

B. Remarks

The claims are 1, 10 and 14-22, with claims 1 and 22 being independent.

Reconsideration of the present claims is respectfully requested.

Claims 1, 10, and 14-22 stand rejected under 35 U.S.C. §103(a) as being anticipated by Schroeder (WO 00/36924). Applicants respectfully traverse this rejection.

At the outset, Applicants would like to incorporate by reference herein all previous arguments regarding the distinctions between the presently pending claims and Schroeder. What is more, Applicants would like to bring the Examiner's attention to what Applicants believe are the most expositive distinctions therebetween.

First and foremost, Schroeder is narrowly directed to the use of neotame in chewing gum, while the present invention is more broadly directed to a method of making any liquid composition of neotame having (a) neotame and a liquid carrier consisting of water and a suspending agent or (b) water and 30% by weight of neotame.

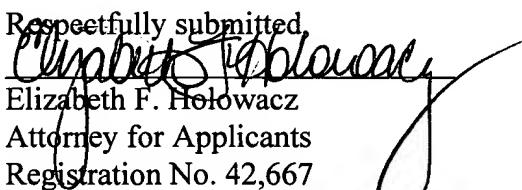
Second, Schroeder does not teach or suggest either of (a) or (b) above. In fact, the only liquid compositions set forth in Schroeder are in Examples 3 and 4. However, in each example, ethanol is used in addition to water. By virtue of the "consisting of" language in present claim 1, any liquid composition containing ethanol would be outside the scope of this invention. All remaining examples in Schroeder contemplate encapsulation or gum formulations which do not require a liquid composition of neotame, both of which are entirely different from the presently claimed subject matter. In addition, Schroeder teaches that the amount of neotame typically contained in a chewing gum composition ranges from 0.5 to 20% by weight; in (b) of the present invention, 30% by weight of neotame is employed.

Finally, while Schroeder seems to disclose the use of water generally in chewing gum formulations by virtue of its teaching that chewing gums have a water soluble portion, there is simply no disclosure of the steps of the presently claimed methods in which water is requisitely employed as a carrier. Applicants submit that the Examiner has not addressed this point, as no process steps of Schroeder have been discussed in the Office Action.

For all of the above reasons, Schroeder fails to render obvious the present invention. Schroeder fails to disclose or suggest several key features of the present claims, namely, (a) neutame and a liquid carrier consisting of water and a suspending agent, (b) water and 30% by weight of neutame, and also the method steps generally. Accordingly, Applicants respectfully request withdrawal of the prior art rejection based upon Schroeder.

In view of the foregoing remarks, favorable reconsideration and passage to issue is earnestly requested. Should the Examiner believe that issues remain outstanding, the Examiner is respectfully requested to contact Applicants' undersigned attorney in an effort to resolve such issues and advance the case to issue.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,

Elizabeth F. Holowacz
Attorney for Applicants
Registration No. 42,667

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3801
Facsimile: (212) 218-2200

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